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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,468	10/07/2005	Shigeru Nakajima	33082M283	2214
441	7590	10/17/2007	EXAMINER	
SMITH, GAMBRELL & RUSSELL 1130 CONNECTICUT AVENUE, N.W., SUITE 1130 WASHINGTON, DC 20036				YEVSIKOV, VICTOR V
ART UNIT		PAPER NUMBER		
2891				
MAIL DATE			DELIVERY MODE	
10/17/2007			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.	10/552,468	Applicant(s)	NAKAJIMA ET AL.
Examiner	Victor V. Yevsikov	Art Unit	2891

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 22 June 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7,9 and 10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Metzner (U.S. 2005/0009371).

Regarding claim 1, a film forming method comprising:

supplying simultaneously a vapor of a hafnium organic compound and a silane-series gas into a reaction vessel to react the hafnium organic compound and a the silane-series gas with each other in a the reaction vessel, thereby depositing a hafnium silicate film on a substrate by a chemical vapor deposition process (§§ 0039, 0040, 0063).

Regarding claim 2, a heated atmosphere is established in an interior of the reaction vessel when depositing the hafnium silicate film (§§ 0062).

Regarding claim 3, the silane-series gas comprises monosilane gas (§§ 0064).

Regarding claims 4 and 5, depositing a hafnium compound silicate film on a substrate; and annealing the hafnium silicate film, obtained by the depositing, in an

atmosphere of a compound gas of nitrogen and hydrogen (claim 4), wherein the compound gas of nitrogen and hydrogen is ammonia gas (claim 5) in paragraph 74.

Regarding claim 6, depositing a silicon nitride film directly on the hafnium silicate film after the annealing of the hafnium silicate film (§§ 0051, 0053).

Regarding claim 7, wherein the step of depositing the silicon hafnium film includes a step of supplying simultaneously a vapor of a hafnium organic compound and a silane-series gas into a reaction vessel to react the hafnium organic compound and the silane-series gas with each other in the reaction vessel, thereby depositing the hafnium silicate film on the substrate by a chemical vapor deposition (§§ 0036 – 0048).

Regarding claim 9, the silane-series gas comprises monosilane gas (§§ 0064).

Regarding claim 10, depositing a silicon nitride film directly on the hafnium silicate film after the annealing of the hafnium compound silicate film (§§ 0051, 0053).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 – 7, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

***Notice of Finality***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Yevsikov whose telephone number is (571) 272-1910. The examiner can normally be reached on Monday –Thursdays 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, examiner's supervisor, William B. Baumeister, can be reached on (571) 272-1722. The fax phone numbers for the organization where this application or processing is assigned is (703) 873-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information

about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

V. Yevsikov

Victor Yevsikov  
Examiner  
Art Unit 2891

October 15, 2007

ASOK KUMAR SARKAR  
10/15/07

ASOK K. SARKAR  
PRIMARY EXAMINER